

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KAYA SIMIONS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendants.

Civil No. 3:13-CV-283

(Judge Kosik)

FILED
SCRANTON

JUL 31 2014

PER 
DEPUTY CLERK

ORDER

AND NOW, THIS 31st DAY OF JULY, 2014, IT APPEARING TO THE
COURT THAT:

(1) Plaintiff, Kaya Simions, an inmate who was housed at the United States Penitentiary-Canaan, Pennsylvania, brought an action against the United States pursuant to the Federal Tort Claims Act;

(2) The basis of the action was the alleged negligence of the prison in serving chicken fajitas that contained salmonella bacteria;

(3) The action, along with others, was assigned to Magistrate Judge Martin C. Carlson for oversight;

(4) Following mandatory mediation, this case was reported settled and was dismissed (Doc. 23);

(5) Plaintiff filed a Motion to Re-open and Re-consider his lawsuit (Doc. 32) and the United States responded (Doc. 34);

(6) On May 7, 2014, the Magistrate Judge filed a Report and Recommendation (Doc. 35), recommending that the Motion be denied;

(7) Specifically, the Magistrate Judge discusses the Treasury Offset Program, which provides for the eligibility of a wide array of payments, including the instant settlement, to offset prior debts, and he discusses the due process protections afforded by the program;

(8) The Magistrate Judge concluded that Plaintiff's Motion, which seeks to challenge an offset involving his settlement of this action, fails as a matter of law, and that the Motion to Re-open and Re-consider the settlement should be denied;

(9) No Objections were filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

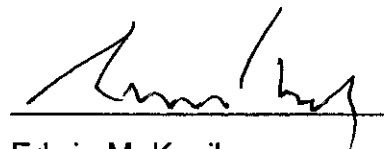
(10) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(11) We have considered the Magistrate Judge's Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson filed May 7, 2014 (Doc. 35) is **ADOPTED**; and

(2) The Plaintiff's Motion to Re-open and Re-consider his lawsuit (Doc. 32) is **DENIED**.

A handwritten signature in black ink, appearing to read 'Edwin M. Kosik', is written over a horizontal line.

Edwin M. Kosik
United States District Judge